

LUD 5582.1 DIV (10019655)**REMARKS**

Claims 44-50, 53-59, and new claims 63-67 will be pending. Claim 51 is incorporated into claim 44.

The amendment to claim 44 is believed to obviate the double patenting rejection. Claims 1-11 of the U.S. Patent No 6,645,486 are drawn to specific conditions, as are the current claims. There is no overlap of subject matter, so double patenting does not lie.

Cancellation of claim 52 obviates rejection 3a.

Amendments to claims 44 and 53, and the cancellation of claim 52, obviate the rejection at point 4.

This leaves only the rejection at point 3b. With respect to this rejection, please note new claim 67.

Further, with respect to the enablement issues raised by the Examiner, claim 44, reciting all conditions characterized by enhanced IL-9 production, and claim 52, now canceled, are the only claims addressed. Claim 51, now incorporated into claim 44, is not addressed at all.

While the Examiner also objects to the broad term "conjugate," no elaboration of why this is non-enabled is presented. The Examiner cites to In re Wands and states that the criteria set forth therein were followed. While it is arguable that this is the case for the conditions considered, there isn't a scintilla of an argument presented regarding why the other portions of the conjugate pair would not work. Given that the law holds, quite clearly, that a specification is presumed enabled, and the Examiner has not presented any argumentation to rebut this, the rejection must be withdrawn.

In view of the foregoing, withdrawal of all rejections, and allowance of this application are believed proper and urged.

Respectfully submitted,

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